

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE**

ELIZABETH MOORE and
JAMES B. MOORE,

Plaintiffs,

v.

BRIGHTVIEW HOLDINGS, INC.;
BRIGHTVIEW ENTERPRISE
SOLUTIONS, LLC; BRIGHTVIEW
LANDSCAPE DEVELOPMENT, INC.;
BRIGHTVIEW LANDSCAPE SERVICES,
INC.; AND BRIGHTVIEW LANDSCAPES,
LLC;

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Defendant Brightview Landscape Services, Inc., by and through the undersigned counsel, pursuant to 28 U.S.C. §§ 1441, 1446, and 1332, hereby file this Notice of Removal of the above-styled action from the Circuit Court for Shelby County, Thirtieth Judicial District of Tennessee, to the United States District Court for the Western District of Tennessee, respectfully showing this Honorable Court as follows:

1. Pursuant to 28 U.S.C. § 1446(a), Defendant has attached all process, pleadings, and other documents served upon Defendant in the State Court Action to this Notice for Removal. (*See* Exhibits 1-2).

2. Pursuant to 28 U.S.C. § 1332, the Court has jurisdiction over this action because there should be complete diversity of citizenship between Plaintiff and the Defendant.

3. Plaintiffs Elizabeth Moore and James B. Moore are resident citizens of Memphis, Shelby County, Tennessee.

4. Brightview Landscape Services, Inc. is a Georgia entity with its principal place at 980 Jolly Road Suite 300, Blue Bell, PA 19422.

5. On October 7, 2020, Plaintiffs filed their Complaint in the Circuit Court of Shelby County, Thirtieth Judicial District of Tennessee, styled as *Elizabeth Moore and James B. Moore v. Brightview Holdings, Inc., Brightview Enterprise Solutions, LLC, Brightview Landscape Development, Inc., Brightview Landscape Services, Inc., and Brightview Landscapes, LLC*, Civil Action No. CT-4161-20 Div. II (the “State Court Action”). (See Complaint, attached as Exhibit 1). The Circuit Court for Shelby County entered an Order of Voluntary Non-Suit with regard to the following Defendants *Brightview Holdings, Inc., Brightview Enterprise Solutions, LLC, Brightview Landscape Development, Inc., and Brightview Landscapes, LLC* on November 4, 2020 (Order of Voluntary Non-Suit, attached as Exhibit 2).

6. In their Complaint, Plaintiffs pray for judgment against Defendant in the amount of \$550,000.00.

7. It is uncontroverted that diversity of parties exists and the amount in controversy exceeds \$75,000.00 in this case. Consequently, diversity jurisdiction exists in this case pursuant to 28 U.S.C. § 1332(a). Defendant, therefore, removes this matter from the Circuit Court for Shelby County, Thirtieth Judicial District of Tennessee, to the United States District Court for the Western District of Tennessee.

8. Pursuant to 28 U.S.C. § 1446(d), Defendant hereby certifies that they have notified all adverse parties of this Notice of Removal in the State Court Action by filing a “Notice of Filing Notice of Removal” attaching a copy of this “Notice of Removal” with the Clerk of the Circuit

Court for Shelby County, Thirtieth Judicial District of Tennessee, which will send notifications of same to all counsel/parties and by mailing a copy to Plaintiffs' counsel via Certified Mail, Return Receipt Requested. (*See* Notice of Filing Notice of Removal, attached as Exhibit 3).

WHEREFORE, Defendant Brightview Landscape Services, Inc. respectfully requests that the United States District Court for the Western District of Tennessee effectuate the removal of this case.

Respectfully submitted, this 11th day of November, 2020.

**WILSON, ELSER, MOSKOWITZ,
EDELMAN AND DICKER, LLP**

/s/ James M. Burd
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*Counsel for Defendant, Brightview
Landscape Services, Inc.*

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **NOTICE OF REMOVAL** was electronically filed with the Court using the CM/ECF system and was served by Certified Mail, Return Receipt Requested, to the address below:

Ben L. Daniel
145 Court Avenue #201
Memphis, Tennessee 38103
Ben@DanielLawFirm.com

Respectfully submitted this 11th day of November, 2020.

/s/ James M. Burd
James M. Burd